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SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

02:56 PM

SUCV2009-04148

Juliano v Boston Sand & Gravel Co et al

File Date	09/25/2009	Status	Disposed: transfered to other court (dtrans)
Status Date	10/29/2009	Session	A - Civil A, 3 Pemberton Sq, Boston
Origin	1 - Complaint	Case Type	B04 - Other negligence/pers injury/pro
Track	F - Fast track	Lead Case	
		Jury Trial	Yes

DEADLINES

	Service	Answer	Rule12/19/20	Rule 15	Discovery	Rule 56	Final PTC	Judgment
Served By			01/23/2010	01/23/2010	07/22/2010	08/21/2010		
Filed By	12/24/2009	01/23/2010	02/22/2010	02/22/2010		09/20/2010		07/17/2011
Heard By			03/24/2010	03/24/2010			01/18/2011	

PARTIES

Plaintiff

Patsy C Juliano
Active 09/25/2009

Private Counsel 641495

Richard Joyce
Newman & Newman PC
1 McKinley Square
Boston, MA 02109
Phone: 617-227-3361
Fax: 617-723-1710
Active 09/25/2009 Notify

Defendant

Boston Sand & Gravel Co
Service pending 09/25/2009

Defendant

Lafarge North America, Inc
Service pending 09/25/2009

Private Counsel 564473

Mark J Hoover
Campbell Campbell Edwards & Conroy
1 Constitution Center
3rd floor
Boston, MA 02129
Phone: 617-241-3000
Fax: 617-241-5115
Active 11/02/2009 Notify

Private Counsel 544327

Brian P Voke
Campbell Campbell Edwards & Conroy
1 Constitution Plaza
3rd floor
Boston, MA 02129
Phone: 617-241-3000
Fax: 617-241-5115
Active 11/02/2009 Notify

ENTRIES

SUFFOLK SUPERIOR COURT

Case Summary

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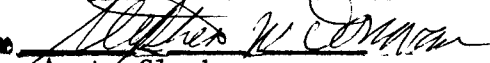
Date	Paper	Text
09/25/2009	1.0	Complaint filed with request for trial by jury all issues
09/25/2009		Origin 1, Type B04, Track F.
09/29/2009	2.0	Civil action cover sheet filed (\$175,000)
10/28/2009		Copy of Petition for Removal to US Dist Court of defendant LaFarge North America, Inc., (US Dist# 09-cv-11799)
10/29/2009		Case REMOVED this date to US District Court of Massachusetts
EVENTS		

WITNESS MY TEST AND CERTIFY ON

Nov. 3, 2009 at that time

FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT


Asst. Clerk.



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
C.A. NO. 09-4148A

PATSY C. JULIANO,

Plaintiff,

v.

BOSTON SAND & GRAVEL, CO. and
LAFARGE NORTH AMERICA, INC.,

Defendant.

U.S. Dist #
09-cv-11799

NOV 23 2009 PM 2:41

NOTICE OF REMOVAL

TO: Clerk of the Superior Court
Suffolk County
County Courthouse, 12th Floor
Three Pemberton Square
Boston, MA 02108

Richard Joyce, Esq.
Newman & Newman, P.C.
One McKinley Square
Boston, MA 02109

Please take notice that the defendant, Lafarge North America, Inc. ("Lafarge") with a principal place of business in Virginia, has this day filed a notice of removal pursuant to 28 U.S.C. § 1332, containing a statement of facts which entitled it to remove the case to the United States District Court for the District of Massachusetts at Boston, together with a copy of all pleadings in its possession.

LAFARGE NORTH AMERICA, INC.,

By their Attorneys,

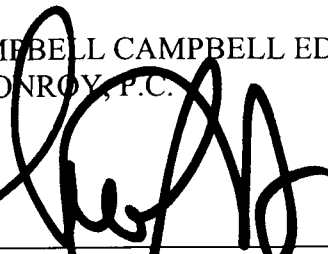
CAMPBELL CAMPBELL EDWARDS
& CONROY, P.C.

I HEREBY ATTEST AND CERTIFY ON

11-2-09 THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
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AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

BY



Brian P. Voke (BBO # 544327)
Mark J. Hoover (BBO # 564473)
One Constitution Plaza
Boston, MA 02129
(617) 241-3000

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above document upon counsel for all parties by mail on October 26, 2009.



Mark J. Hoover

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUFFOLK SUPERIOR COURT
CIVIL ACTION NO.: SUCV2009-

09-4148 -A

PATSY C. JULIANO)
Plaintiff,)
)
v.)
)
BOSTON SAND & GRAVEL CO.)
and LAFARGE NORTH)
AMERICA, INC.)
Defendant.)
)

2009 SEP 23 PM 3:20
MICHAEL JOSEPH BROWN
CLERK/CORPORATE

COMPLAINT

1. The Plaintiff, Patsy C. Juliano is an adult individual residing in Peabody, Essex County, Massachusetts.
2. The Defendant, Boston Sand & Gravel Company ("Boston Sand") is a Massachusetts corporation duly organized and existing and having a principal place of business at 100 North Washington Street, 2nd Floor, Boston, Suffolk County, Massachusetts.
3. The Defendant, LaFarge North America, Inc. ("LaFarge") is a Maryland corporation duly organized and existing, having a principal place of business at 12950 Worldgate Drive, #500, Herndon, Virginia and registered to conduct business in the Commonwealth of Massachusetts as a foreign corporation.
4. On September 28, 2006, the Defendant, Boston Sand operated a cement plant in the Charlestown District of the City of Boston.
5. On September 28, 2006, the Defendant, LaFarge operated a cement plant in the Charlestown District of the City of Boston.

6. On September 28, 2006, the Plaintiff was operating her motor vehicle on Rutherford Avenue in the Charlestown District of the City of Boston.
7. On September 28, 2006, the Defendant, Boston Sand operated the equipment at the cement plant in such a negligent manner as to cause a silo malfunction which discharged crystalline silica into the atmosphere.
8. On September 28, 2006, the Defendant, LaFarge operated the equipment at the cement plant in such a negligent manner as to cause a silo malfunction which discharged crystalline silica into the atmosphere.
9. As a result of the discharge of crystalline silica into the atmosphere, there was a deposition of airborne silica particles onto the surface of the Plaintiff's eyes and skin. The Plaintiff was also caused to breathe the airborne silica particles.
10. As a direct and proximate result of the foregoing, the Plaintiff was caused to suffer great pain of the mind and body, forced to expend monies for medical expenses, and suffered a diminution in the quality of her life.

WHEREFORE, Plaintiff, Patsy C. Juliano, prays judgment against the Defendant, Boston Sand & Gravel Company and Defendant, LaFarge North America, Inc., joint and severally, for money damages and other such relief as this Court determines is fair and just.

JURY CLAIM, Plaintiff claims the right to a trial by jury on all issues.

WHEREBY ATTEST AND CERTIFY ON

Nov. 3, 2009

**THAT THE
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ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

BY

Michael J. Donovan
Asst. Clerk

Patsy C. Juliano,
By Her Attorneys,

Richard Joyce

Richard Joyce, BBO No.: 641495

Marshall F. Newman, BBO No.: 370560

Newman & Newman, P.C.

One McKinley Square

Boston, MA 02109

(617) 227-3361

Dated: September 18, 2009

The Commonwealth of Massachusetts

2

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: <u>Suffolk</u>	Docket Number SUCV2009-1148-A			
PLAINTIFF(S) Patsy Juliano		DEFENDANT(S) Lafarge North America, Inc. and Boston Sand & Gravel Company			
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Richard Joyce, Esquire, Newman & Newman, P.C. One McKinley Square, Boston, MA 02109 Board of Bar Overseers number:		ATTORNEY (if known)			
Origin code and track designation					
Place an x in one box only:					
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"> <input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F) </td> <td style="width: 33%; border: none;"> <input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X) </td> <td style="width: 33%; border: none;"> <input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X) </td> </tr> </table>			<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F)	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)	<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)
<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup.Ct. c. 231, s.104 (Before trial) (F)	<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X) <input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)	<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)			
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)					
CODE NO. B04	TYPE OF ACTION (specify) Other negligence	TRACK (F)			
IS THIS A JURY CASE? (X) Yes () No					
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.					
TORT CLAIMS (Attach additional sheets as necessary)					
A. Documented medical expenses to date:					
1. Total hospital expenses (Approximately)		\$2,700			
2. Total Doctor expenses (Approximately)		\$12,300			
3. Total chiropractic expenses		\$			
4. Total physical therapy expenses		\$			
5. Total other expenses (describe)		\$			
Subtotal		\$15,000			
B. Documented lost wages and compensation to date		\$			
C. Documented property damages to date		\$			
D. Reasonably anticipated future medical and hospital expenses		\$			
E. Reasonably anticipated lost wages		\$			
F. Other documented items of damages (describe)		\$			
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)					
In addition to an irritation of her eyes, nose, throat and skin, Ms. Juliano was diagnosed with restrictive lung disease. According to the AMA "Guides to the Evaluation of Permanent Impairment", 6th Edition, Ms. Juliano has a Class 2 (11-23%) whole person impairment rating based upon the results of her pulmonary function tests.					
TOTAL:		\$175,000			
CONTRACT CLAIMS (Attach additional sheets as necessary)					
Provide a detailed description of claim(s):					
TOTAL		\$			
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT					
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."					
Signature of Attorney of Record: <u>[Signature]</u>		DATE: <u>7/25/09</u>			

A.O.S.C. 2003

I HEREBY ATTEST AND CERTIFY ON
11-2-09 THAT THE
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 DEPARTMENT OF THE TRIAL COURT

[Signature]
[Signature]